

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Northwind Road, 1524.5 ft. * ZONING COMMISSIONER
2828 Northwind Road * OF BALTIMORE COUNTY
9th Election District * Case No. 91-283-A
6th Councilmanic District *
Robert E. Lilley *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a zoning variance from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 55 ft. in lieu of the required 80 ft., side yard setbacks of 10 ft. and 4.5 ft., respectively, in lieu of the required 15 ft. each, a sum of side yards of 14.5 ft. in lieu of the required 35 ft. and to amend the approved variances in case No. 79-34-A, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioner, Robert E. Lilley, appeared and testified and was represented by G. Scott Barhight, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 28 Northwind Road, consists of .6479 acres +/-, zoned D.R.5.5, and is currently improved with a single family dwelling.

The Petitioner testified that he is desirous of constructing a 14,000 sq. ft. single family home for his parents, as indicated on Petitioner's Exhibit No. 1. Testimony and evidence indicated that the Petitioner had discussed this matter with his immediate neighbors who were in support of the granting of the requested relief.

The Petitioner further testified that the configuration of the lots in this community has created the need for the requested variances, and

that requiring strict compliance with the B.C.Z.R. would create a hardship and practical difficulty for the Petitioner.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of May, 1991 that the Petition for a Zoning Variance from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 55 ft. in lieu of the required 80 ft., side yard setbacks of 10 ft. and 4.5 ft., respectively, in lieu of the required 15 ft. each, a sum of side yards of 14.5 ft. in lieu of the required 35 ft. and to amend the approved variances in case No. 79-34-A, in accordance with Petitioner's Exhibit No. 1, is hereby granted, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 2, 1991

G. Scott Barhight, Esquire
Whiteford, Taylor, Preston, etc.
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 91-283-A
Robert E. Lilley, Petitioner

Dear Mr. Barhight:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm

cc: Peoples Counsel
cc: Mr. Robert E. Lilley

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 402.1

to permit a lot width of 55 feet in lieu of the required 80 feet, side yard setbacks of 10

and 4.5 feet, respectively, in lieu of the required 15 feet each, a sum of side yards of 14.5

feet in lieu of the required 35 feet, and to amend the approved variances in Case No. 79-34-A.

The Petitioner's tract acreage (0.6479 acres) permits 3 dwelling units given the DR 5.5

zoning. A new rear parhandle lot can be created which complies with the Zoning Regulations. However, without the requested variances regarding the existing structure, the new parhandle

lot could not be created, thereby depriving Petitioner of the full and proper use of his

property. Numerous other parhandle lots have been created in the surrounding neighborhood.

The proposed lot will be compatible with the existing neighborhood.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under penalties of perjury, that I/we are the legal

owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Robert E. Lilley

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

G. Scott Barhight

(Type or Print Name)

Address

City/State/Zip Code

Phone

Address

City/State/Zip Code

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AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently or upon settlement will reside at 2828 Northwind Road, Baltimore, MD 21234

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

My land permits 3 dwelling units. A new rear parhandle lot can be created

in compliance with the Zoning Regulations. The variances are needed so that

the front lot will comply. Numerous neighboring lots have been similarly

subdivided. My new parhandle lot will be compatible with the neighborhood.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a

reposting and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature)

Affiant (Printed Name)

Affiant (Printed Name)

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Affiant (Printed Name)

ZONING DESCRIPTION

BEGINNING at a point on the northern side of Northwind Road, 1524.5 feet northwest of Harford Road, being Lot #34 of the Debaugh Farms as recorded in the Land Records of Baltimore County in Liber 5, folio 70.

Also known as 2828 Northwind Road.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Posted for: Residential Variance
Petitioner: Robert E. Lilley
Location of property: N/S Northwind Rd., 1524.5' W of Harford Rd.
Location of Sign: Facing Northwind Rd. across 20' E. of
Remarks: no delay in posting of Baltimore
Posted by: [Signature]
Number of Signs: 4

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Date of Posting: 7/12/91
Posted for: Variance
Petitioner: Robert E. Lilley
Location of property: N/S Northwind Rd., 1524.5' W of Harford Rd.
Location of Sign: Facing Northwind Rd. across 15' E. of
Remarks: no delay in posting of Baltimore
Posted by: [Signature]
Number of Signs: 4

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-21, 1991.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlov
Publisher

\$ 70.74

ORDER RECEIVED FOR FILING

Date _____
By _____

ZONING COMMISSIONER OF BALTIMORE COUNTY

ZONING COMMISSIONER OF BALTIMORE COUNTY

ZONING COMMISSIONER OF BALTIMORE COUNTY

ZONING COMMISSIONER OF BALTIMORE COUNTY

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ZONING COMMISSIONER OF BALTIMORE COUNTY

ZONING COMMISSIONER OF BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-26-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-21-91

THE JEFFERSONIAN,

S. Zake Orlin
Publisher

\$ 70.76

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date: 3/15/91

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$25.00
010 - EIGHTING VARIANCE LIAL	1	\$25.00
020 - POSTING SIGNS / ADVERTISING	1	\$5.00
TOTAL:		\$50.00

LAST NAME OF OWNER: LILLEY

04604#0043MICRDC \$50.00

Please Make Checks Payable To: Baltimore County 004609:26AM01-18-91

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date: 3/10/91

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$95.76
020 - POSTING SIGNS / ADVERTISING	1	\$95.76
TOTAL:		\$95.76

LAST NAME OF OWNER: LILLEY

04604#0146MICRDC \$95.76

Please Make Checks Payable To: Baltimore County 004602:18PM04-10-91

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 4-5-91

Robert E. Lilley
2828 Northwind Road
Baltimore, Maryland 21234

RE:

Dear Petitioner(s):

Please be advised that \$ 95.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 11, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-283-A
N/S Northwind Road, 1524.5' W of Harford Road
2828 Northwind Road
9th Election District - 6th Councilmanic
Petitioner(s): Robert E. Lilley
HEARING: WEDNESDAY, APRIL 10, 1991 at 2:30 p.m.

Variance to permit a lot width of 55 feet in lieu of the required 80 feet, side yard setbacks of 10 and 4.5 feet, respectively, in lieu of the required 15 feet each, a sum of side yards of 14.5 feet in lieu of the required 35 feet, and to amend the approved variances in Case #79-34-A.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: G. Scott Barhight, Esq.
Robert E. Lilley

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 13, 1991

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 283, Case No. 91-283-A
Petitioner: Robert E. Lilley
Petition for Residential Variance

Dear Mr. Barhight:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Robert E. Lilley
2828 Northwind Road
Baltimore, MD 21234

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
4th day of January, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Robert E. Lilley

Petitioner's Attorney: G. Scott Barhight

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 4, 1991

FROM: G. Scott Barhight, Esq.

RE: Zoning Advisory Committee Meeting
for January 22, 1991

The Development Engineering Division has reviewed the subject zoning items and has no comments for Items 273, 278, 280, 284, 285, 286 and 287.

For Items 283, the revision County Division Group Comments are still applicable.

For Item 283, this will must be submitted through the minor subdivision process for review and comment.

Robert E. Lilley
Robert E. Lilley, Esq.
Development Engineering Division

RWB:s

received
2/5/91

91-283-A

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: March 27, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Robert E. Lilley, Item No. 283

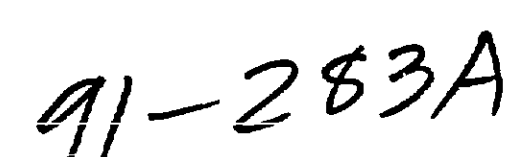
In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM283/2AC1

received
3/28/91



CASE #: 91-283-A



LOTS #28 & #29



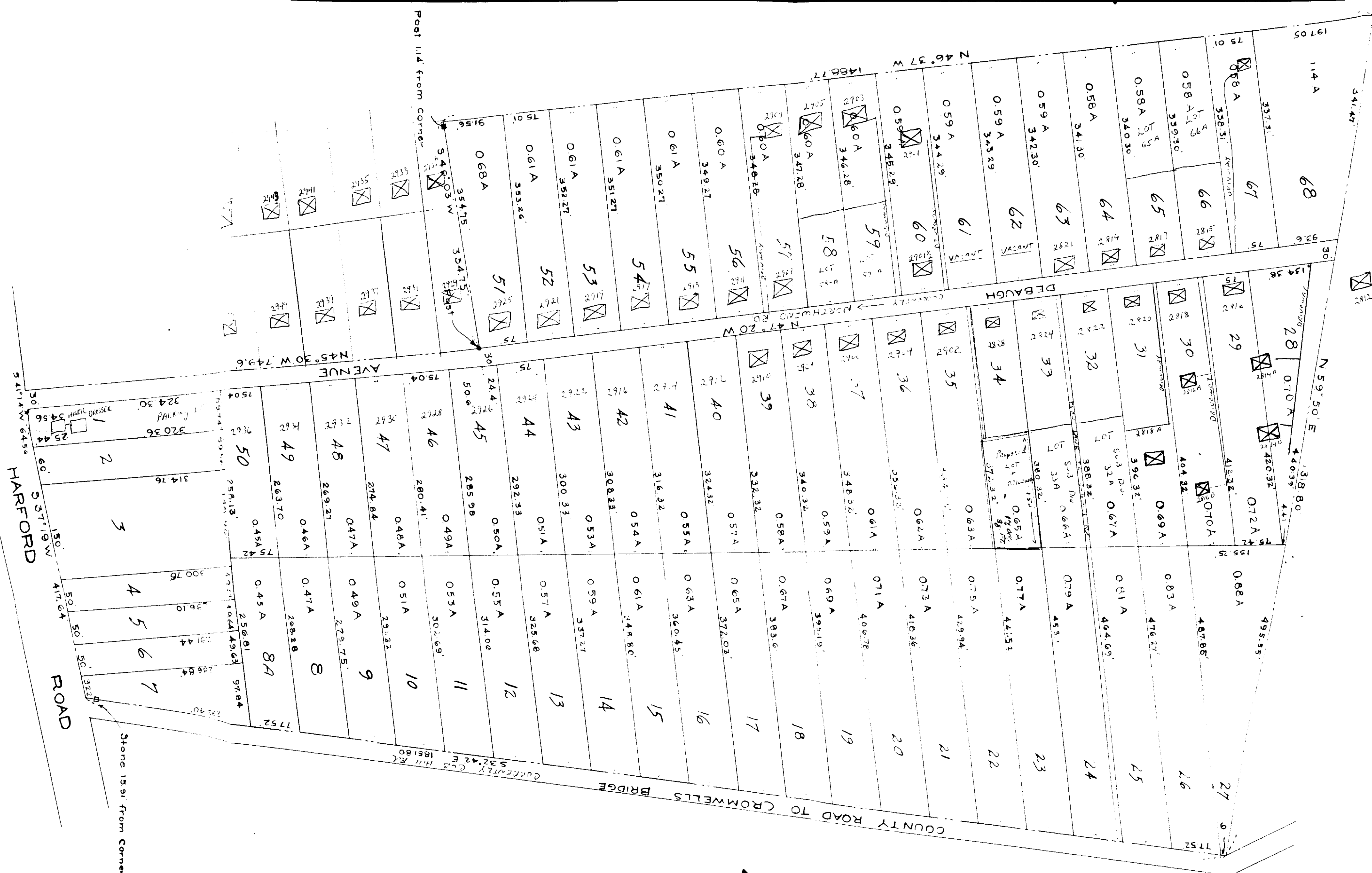
LOT #29

PETITIONER'S EXHIBIT # 7

PETITIONER'S
EXHIBIT 2

91-283A

W.P.C. No 5 - 70



Not accompanying deed from John Debaugh, Jr. & Co.
Baltimore and Harford Co. filed for record July 25, 1920
J. Spence Howard Clerk

DEBAUGH FARMS

BALTIMORE COUNTY, MD.

SURVEYED & Laid Out By

J. SPENCE HOWARD

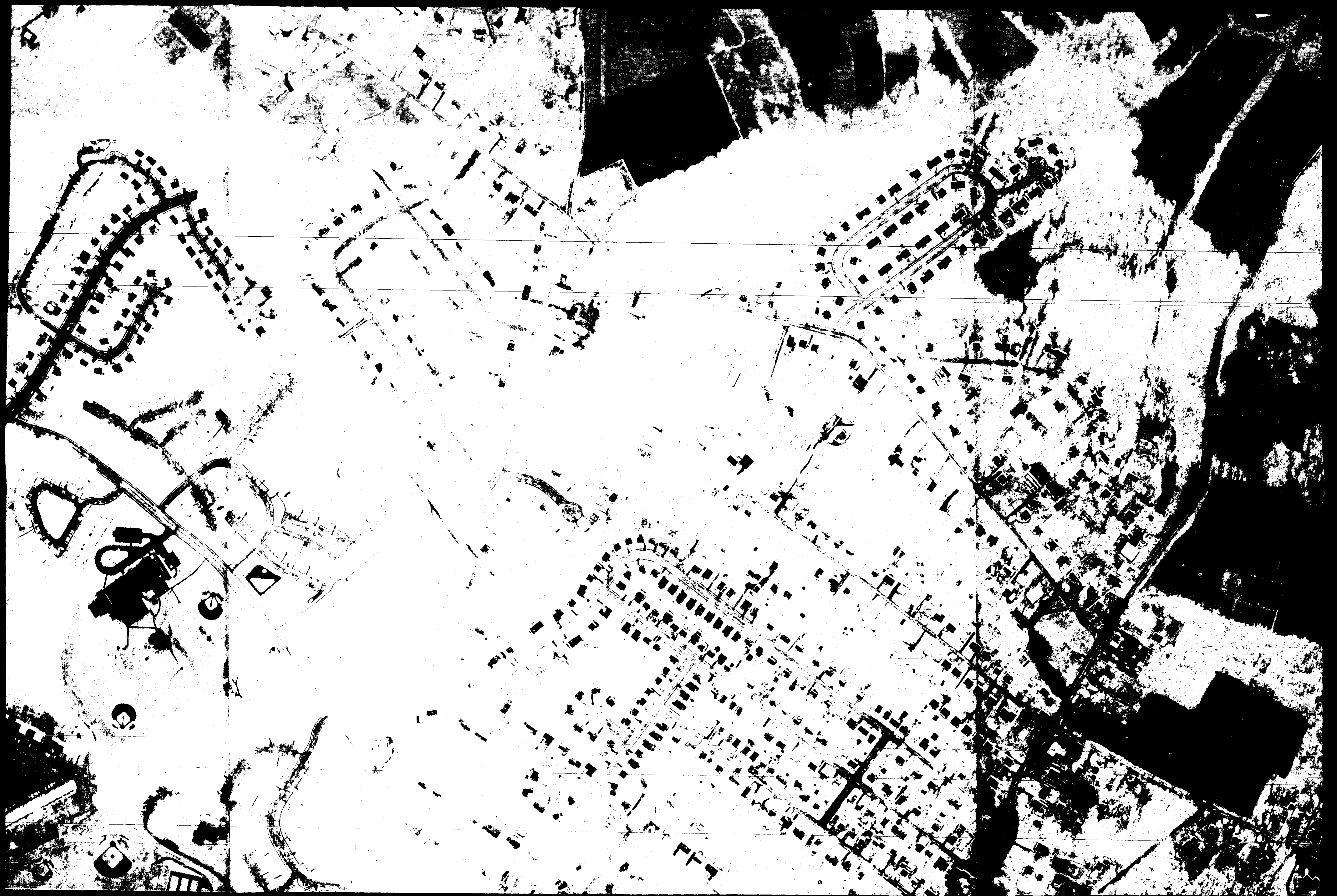
Civil & Consulting Engineer - Balt. Md.
June 17, 1920.

W.P.C. 5-70

[illegible]

SCALE	LOCATION	N 40.00 SHEET
1" = 200' ±		N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	CUB HILL	11 - E

91-283-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE LOCATION SHEET

1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

CUB HILL

91-283-A

N.E.
11-E